

## 2007 DRAFTING REQUEST

### Bill

Received: 01/04/2008

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Robert Turner (608) 266-0731

By/Representing: Nancy

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - garn/injunct

Extra Copies:

Submit via email: YES

Requester's email: Rep.Turner@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Notification of domestic abuse injunctions

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L
/1	rnelson2 01/07/2008	kfollett 01/10/2008	nmatzke 01/11/2008		cduerst 01/11/2008	cduerst 01/14/2008	S&L

FE Sent For:

<END>

→ At Intro

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Carbon copy (CC:) to:

*BAB*  
*813.06*

**Pre Topic:**

No specific pre topic given

**Topic:**

Notification of domestic abuse injunctions

**Instructions:**

See Attached

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/?	rnelson2	<i>1/15 F</i> <i>1/10</i>	<i>nwn</i> <i>1/10</i>	<i>nwn/ada</i> <i>1/10</i>	<i>rs</i>		

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, January 02, 2008 4:46 PM  
**To:** Nelson, Robert P.; Balinsky, Brett  
**Subject:** FW: Drafting Request from Rep. Turner

**Attachments:** Mary Byron Foundation Victim notification draft.pdf

This is you??

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**From:** Basford, Sarah  
**Sent:** Wednesday, January 02, 2008 9:47 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Drafting Request from Rep. Turner

**Sarah Basford**

Program Assistant  
Legislative Reference Bureau  
1 East Main, Suite 200  
(608) 266-3561  
sarah.basford@legis.wisconsin.gov

---

**From:** McAdams, Nancy  
**Sent:** Wednesday, January 02, 2008 9:24 AM  
**To:** LRB.Legal  
**Subject:** Drafting Request from Rep. Turner

Dear Pam,

Rep. Turner is interested in getting a bill drafted as discussed in the attached correspondence from the Mary Byron Foundation. Could you please let me know if you have any questions, and also how long it might take to get it finished?



Mary Byron  
Foundation Victim n..

Thanks very much.

Nancy McAdams  
Office of State Rep. Robert Turner  
212 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

November 19, 2007

Honorable Robert L. Turner  
State Representative  
36 McKinley Ave  
Racine WI 53404-3414

The Honorable Robert L. Turner,

As president of the Mary Byron Foundation, a public charity that supports nationwide efforts to stop domestic violence, I know that access to information is a vital concern for crime victims. My daughter, Mary, was killed by her former boyfriend in 1993 because she didn't know that he had been released from jail. Her murder led to the creation of the nation's first automated victim notification system.

Thankfully, over 30 states have now adopted statewide automated victim notification systems, including Wisconsin. However, unlike Kentucky, Missouri, Washington, Oklahoma and Delaware, **Wisconsin has not yet taken the next step** and extended these automated notifications to include protective orders. Thousands of victims are killed or revictimized each year immediately after an order of protection is served on their abuser. By including protective orders, victims are notified when they are in the greatest danger and criminal justice agencies are given new tools to assist them during this vulnerable time.

Congress has approved millions of dollars to help states expand their victim notification systems, and the Bureau of Justice Assistance within the U.S. Department of Justice has made these grants available to states. By passing the attached legislation, Wisconsin would become eligible for this funding.

Therefore, for the sake of crime victims throughout Wisconsin, please take advantage of this opportunity and introduce the legislation to add protective order notification to your state's automated victim notification system. We at the Mary Byron Foundation are happy to offer technical assistance to you in your efforts.

I am hopeful that the Wisconsin legislature will make crime victims a priority in 2008. With the availability of funding from the BJA and model systems in place throughout the country, there has never been a better time or more opportunity in moving forward.

Sincerely,



Pat Byron  
President, The Mary Byron Foundation

Enclosures PB/cw 2 919

It's time for a change.

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 583

## 94TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 3, 2007, with recommendation that the Senate Committee Substitute do pass.

0661S.05C

TERRY L. SPIELER, Secretary.

### AN ACT

To amend chapter 455, RSMo, by adding thereto one new section relating to orders of protection.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 455, RSMo, is amended by adding thereto one new  
2 section, to be known as section 455.038, to read as follows:

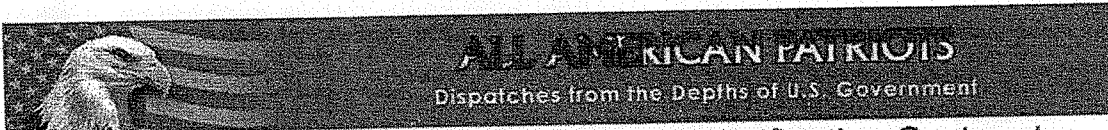
455.038. Every circuit clerk shall be responsible for providing  
2 information to individuals petitioning for ex parte orders of protection  
3 regarding notification of service of these orders of protection. Such  
4 notification to the petitioner is required if the petitioner has registered  
5 a telephone number with the victim notification system, established  
6 under subsection 3 of section 650.310, RSMo. The petitioner shall be  
7 informed of his or her option to receive notification of service of an ex  
8 parte order of protection on the respondent by the circuit clerk and  
9 shall be provided information on how to receive notification of service  
10 of ex parte orders of protection. The local law enforcement agency or  
11 any other government agency responsible for serving ex parte orders  
12 of protection shall notify the circuit clerk when no more service  
13 attempts are planned by that agency. The provisions of this section  
14 shall only apply to those circuit clerks able to access a statewide victim  
15 notification system designed to provide notification of service of orders  
16 of protection.

✓

AN ACT relating to orders of protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_:

NEW SECTION. **Sec. 1.** Every court clerk shall be responsible for providing information to individuals petitioning for ex parte orders of protection regarding notification of service of these orders of protection. Such notification to the petitioner is required if the petitioner has registered a telephone number with the state's victim notification system. The petitioner shall be informed of his or her option to receive notification of service of an ex parte order of protection or summons on the respondent by the court clerk and shall be provided information on how to receive notification of service of ex parte orders of protection or summons to court. The local law enforcement agency or any other government agency responsible for serving ex parte orders of protection or summons to court shall record the service of these orders of protection into a law enforcement database, or similar electronic record keeping system, at the time when service occurs. The provisions of this section shall only apply to those court clerks able to access a statewide victim notification system



## Missouri Governor Announces Enhanced Notification System to Help Crime Victims

Wed, 10/24/2007

### October is Designated as Domestic Violence Awareness Month

October 23, 2007 -- JEFFERSON CITY - Missouri Governor Matt Blunt today announced the completion of an enhanced statewide automated notification system regarding protective orders as the state recognizes October as Domestic Violence Awareness Month.

"During Domestic Violence Awareness Month, I urge all Missourians to join together in recommitting themselves to eliminating domestic violence and reaching out to its victims, letting them know that help is available," Blunt said. "I am pleased to announce this enhanced system intended to provide crime victims with the information they want to know about their attackers' custody and court status. This system will help provide security and emotional peace of mind by allowing victims to be notified in real time when the protection order they request has been served."

Since 1987, October has been observed as Domestic Violence Awareness Month. During this time, the efforts of many committed organizations are highlighted and recognized in order to increase public awareness of domestic violence and the needs of battered women and children.

Today's announcement is part of an ongoing effort to enhance and expand victims' rights and services. The state currently has a database that tracks offenders' custody and court dates and notifies crime victims when there is a change in their offender's custody status. The automated system known as MoVANS empowers crime victims with the facts of their case and eliminates paperwork and guesswork to receive pertinent information about their attacker and the resources to obtain the information.

The notification system is now enhanced to notify victims when their request for a protection order is served as well as other confidential updates and information regarding their case at any time, day or night.

Petitioners will have the option of registering for automatic updates using a confidential PIN and their own phone number. By simply calling the toll-free number at 1-866-566-8267, victims can get confirmation that a protection order has been served and receive information regarding upcoming court hearings.

During this past June, the project was tested in four Missouri counties including St. Louis City, Boone, Buchanan and Cole. October marks the beginning of a statewide roll out to implement the system across the state.

Gov. Blunt signed comprehensive legislation in 2007 enhancing laws protecting women and children who fall victim to domestic violence and sexual assault. The legislation under Senate Bill 429 and House Bill 583 increases sentencing terms for repeat domestic violence abusers from 5-15 years in prison to 10-30 years, or life in prison and also requires the state to cover the charges of forensic examinations for victims of sexual offenses who are uninsured. Also the bill protects communications among sexual assault survivors and advocates at rape crisis centers.

Last week the governor announced he plans to recommend that more than \$2.3 million be available to cover medical exam costs associated with rape or sexual assault in next year's budget. The governor is also recommending that \$1.8 million be made available in the supplemental budget to protect victims. This funding will ensure that sexual assault victims will not be further traumatized by being forced to pay for the medical exams needed to collect information about their attacker's DNA which requires specialized training. These exams can be vital in the successful prosecution of the assailant and the health of the victim.

The Missouri Office for Victims of Crime is a program within the Department of Public Safety created to provide a liaison between victims, victim service providers, and the criminal justice system.

Source: Missouri Governor



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3761/P1

RPN:...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Gen

1

AN ACT ...; **relating to:** notification of the service of a petition for domestic abuse,

2

child abuse, or harassment injunctions.

*Analysis by the Legislative Reference Bureau*

Currently, a person who seeks a domestic abuse, child abuse, or harassment temporary restraining order and injunction submits a petition to the circuit court setting forth the name and address of the petitioner and respondent and the respondent's conduct that resulted in the request for the order and injunction. The action is commenced when the respondent is served with a copy of the petition. The petition is generally served by the sheriff, and an affidavit of service of the petition is filed with the court. The court may then issue a temporary restraining order if the court finds reasonable grounds to believe that the respondent has engaged in conduct that merits the issuance of the order. A date is set for a hearing on the request for a permanent injunction, at which time both parties may present evidence to the court.

This bill allows each petitioner who seeks a domestic abuse, child abuse, or harassment temporary restraining order and injunction to submit a form to the clerk of circuit court that contains information on how to notify the petitioner that the respondent has been served with the petition. The bill requires the director of state courts to prepare the form with an explanation of its purpose and provide sufficient copies of the form to the clerks of circuit court. The clerk of circuit court is required to give each petitioner a copy of the form. If a petitioner completes the form and gives it to the clerk of circuit court, the bill requires the clerk to timely notify the petitioner by telephone, e-mail, or mail, depending on the information provided by the petitioner, that the petition has been served on the respondent.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 813.126 of the statutes is created to read:

2           **813.126 Notification of service of petition.** (1) The clerks of circuit court  
3 shall provide the form created under sub. (3) to all petitioners under ss. 813.12,  
4 813.122, and 813.125 when the petition is filed with the court. If a petitioner wants  
5 to be notified when a petition filed under s. 813.12, 813.122, or 813.125 has been  
6 served upon the respondent, the petitioner shall complete the parts of the form that  
7 are applicable and give that form to the clerk of circuit court.

8           (2) If a petitioner gives the form to the clerk of circuit court under sub. (1), the  
9 clerk shall notify the petitioner when the respondent has been served with a petition  
10 under s. 813.12, 813.122, or 813.125. If the form submitted to the clerk of circuit court  
11 includes a telephone number, the clerk shall make a reasonable effort to inform the  
12 petitioner by telephone of that service on the day that the clerk learns that the  
13 petition has been served upon the respondent. If the clerk of circuit court is unable  
14 to contact the petitioner by telephone, the clerk shall make a reasonable effort to  
15 inform the petitioner of that service by e-mail on the day that the clerk learns that  
16 the petition has been served upon the respondent if the petitioner supplied the clerk  
17 with an e-mail address. If the clerk of circuit court is unable to contact the petitioner  
18 by telephone or e-mail, the clerk of circuit court <sup>he shall</sup> send inform the petitioner of that  
19 service by first-class mail no later than the day after the clerk learns that the  
20 respondent has been served with the petition. The clerk of circuit court shall note

1 on the case record the time, date, and method of notifying the petitioner of the service  
2 on the respondent.

3 (3) The director of state courts shall prepare a form that a petitioner under s.  
4 813.12, 813.122, or 813.125 may complete that includes the mailing address, e-mail  
5 address, and telephone number of the petitioner and an explanation of the use of the  
6 form. The director of state courts shall make sufficient copies of the form available  
7 to the clerks of circuit court for distribution to the petitioners.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to petitions filed with the clerk of circuit court on the  
10 effective date of this subsection.

11 **SECTION 3. Effective date.**

12 (1) This act takes effect on the first day of the 4th month beginning after  
13 publication.

14 (END)

**Duerst, Christina**

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**From:** Rep.Turner  
**Sent:** Monday, January 14, 2008 11:49 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-3761/1 Topic: Notification of domestic abuse injunctions

Please Jacket LRB 07-3761/1 for the ASSEMBLY.

**Nelson, Robert P.**

---

**From:** McAdams, Nancy  
**Sent:** Thursday, January 17, 2008 2:14 PM  
**To:** 'noahr@gth-gov.com'  
**Cc:** Nelson, Robert P.  
**Subject:** Victim Appellate Notification System

3761

Dear Noah,

I spoke with a contact person at the Attorney General's office. Wisconsin does not really have an automated system in place. The enclosed link describes the Victims Appellate Notification System, which only notifies victims of court dates and appeals. Implementing the program described in Pat Byron's letter would not just be a small step in our state and I am guessing it would have a fiscal note, as well as garner some opposition from the parties involved. Please review this information and respond with your thoughts. Thanks!

Nancy McAdams  
Office of State Rep. Robert Turner  
212 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

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**From:** Rinehart, Mark W. [mailto:RinehartMW@DOJ.STATE.WI.US]  
**Sent:** Thursday, January 17, 2008 1:58 PM  
**To:** McAdams, Nancy  
**Subject:**

Hello Nancy,

Here is the link to our Victim Appellate Notification System:

[http://www.doj.state.wi.us/cvs/Victims\\_Rights/Victim\\_Appellate\\_Notification.asp](http://www.doj.state.wi.us/cvs/Victims_Rights/Victim_Appellate_Notification.asp)

01/17/2008

**Nelson, Robert P.**

**From:** McAdams, Nancy  
**Sent:** Thursday, January 17, 2008 8:42 AM  
**To:** Handrick, Diane; Nelson, Robert P.  
**Subject:** FW: Protective Order Legislation  
**Attachments:** Sample Legislation - VPO-JG.doc; hb583.pdf; Virginia Example.pdf

Diane,

As you can see, Noah has some reservations about how this bill was drafted. Therefore I am forwarding it to the drafter, Bob Nelson. I will follow up with him by phone and ask him how long it will take him to rework the draft to have it comply with the intended effect. I hope the enclosed information is helpful to you and Rep. Jeskewitz. Please bear with us!

Nancy

Nancy McAdams  
Office of State Rep. Robert Turner  
212 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

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**From:** Noah Reandeau [mailto:noahr@gth-gov.com]  
**Sent:** Wednesday, January 16, 2008 6:29 PM  
**To:** McAdams, Nancy  
**Subject:** RE: Protective Order Legislation

Nancy,

After reviewing the draft legislation, I do have one big concern. The key to capture in the legislation is to link the protective order notification with Wisconsin's existing statewide automated victim notification system. By using the state's victim notification system, the parties below are assisted, rather than burdened. Therefore, I would recommend including language in the draft bill to clarify this issue. I am attaching several examples of how this could be accomplished. With this change, the following are the answers to your questions:

Overall, the parties indicated will experience more efficiency in their daily work and process. The following points are more specific to each of the agencies.

**Clerk of Courts:** These agencies are generally already capturing and entering the protective order data into a court management system, this part of their work would not change since the data for notifications can be imported. However, clerks are typically answering hundreds of calls per week from petitioners regarding the service of their orders. Clerks are then forwarding those inquiries to sheriff's offices or trying to track down the information for them. By notifying petitioners, clerks will not receive these inquiry phone calls. They would be asked to hand the petitioner a brochure or piece of written material along with the copy of the issued order.

**Director's of state courts:** These agencies and individuals may potentially direct the data arrangements made in order to obtain the case information for notifications. This is not always the case but may be the best location for the case number, party names and issuance information. State courts will also have more informed victims due to the knowledge that orders are in effect and enforceable at the time of violations.

**Sheriff's offices:** Sheriff's are typically entering in service information into the state's central protection order registry once the order has been served (by end of business); this would require dispatch to enter that information into the system at the time the serving officer is leaving the location. This also drastically reduces the number of inquiries coming into sheriff's offices from petitioners needing to know if the order has been served and is now enforceable.

01/17/2008

-3761  
1/17 Talked  
to Nancy - see is  
going to try  
to find out  
about this

**Victim advocates/witness coordinators:** advocates may now work more closely with petitioners on safety and assist them in removing barriers to self-sufficiency and safety, as opposed to tracking down information regarding the enforceability and service of the order and violation reporting. Knowing when an offender may retaliate and become volatile provides a great deal of information and serves to inform the petitioners in making good decisions for their own safety and the safety of their children. Support has been expressed and provided from sheriffs, victim advocates, judges, prosecutors, petitioners, and clerks. The cost of the service may be funded through federal domestic violence service grants and prevention dollars through the Dept. of Justice and Bureau of Justice Administration Statewide Automated Victim Information and Notification resources, as well as through legislative efforts and court fees. Attorneys General offices, depts. of public safety, sheriff's associations, county sheriffs, and courts have been awarded funds to establish and support these programs across Kentucky, North Carolina, Arkansas, Illinois, Missouri, Oklahoma, Nevada, Washington and Delaware.

Other than offenders, we have had no groups oppose the notification service to petitioners.

Please let me know if you have any questions.

Noah Reandeau

Governmental Affairs Consultant

Gordon Thomas Honeywell Governmental Affairs

(253) 620-6500 office

(253) 973-1892 cell

[noahr@gth-gov.com](mailto:noahr@gth-gov.com)

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**From:** McAdams, Nancy [mailto:[Nancy.McAdams@legis.wisconsin.gov](mailto:Nancy.McAdams@legis.wisconsin.gov)]

**Sent:** Tuesday, January 15, 2008 2:54 PM

**To:** Noah Reandeau

**Subject:** Protective Order Legislation

Dear Noah:

Representative Turner is getting ready to introduce the draft legislation you provided (copy attached). He has asked an Assembly Republican to co-author this bill with him, and she has asked for additional background information regarding: how this bill would affect the involved parties (i.e., clerks of circuit court, directors of state courts, sheriffs), groups who have supported it and opposed it, and any information you have about the success other states have had in applying for funding to implement this program. I appreciate your assistance!

Nancy McAdams

Office of State Rep. Robert Turner

212 North Capitol

P.O. Box 8953

Madison, WI 53708-8953

Phone: 608-266-0731

Fax: 608-282-3661

01/17/2008

**Nelson, Robert P.**

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**From:** McAdams, Nancy  
**Sent:** Thursday, January 17, 2008 4:56 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Victim Appellate Notification System

---

**From:** Noah Reandeau [mailto:[noahr@gth-gov.com](mailto:noahr@gth-gov.com)]  
**Sent:** Thursday, January 17, 2008 4:54 PM  
**To:** McAdams, Nancy  
**Subject:** RE: Victim Appellate Notification System

Nancy,

I apologize for the error. You are absolutely right. Wisconsin doesn't have a statewide victim notification system. I would recommend going with the draft legislation that you sent me to avoid complicating the issue. Your draft was perfect. Sorry.

Noah Reandeau  
Governmental Affairs Consultant  
Gordon Thomas Honeywell Governmental Affairs  
(253) 620-6500 office  
(253) 973-1892 cell  
[noahr@gth-gov.com](mailto:noahr@gth-gov.com)

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**From:** McAdams, Nancy [mailto:[Nancy.McAdams@legis.wisconsin.gov](mailto:Nancy.McAdams@legis.wisconsin.gov)]  
**Sent:** Thursday, January 17, 2008 12:14 PM  
**To:** Noah Reandeau  
**Cc:** Nelson, Robert P.  
**Subject:** Victim Appellate Notification System

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Nancy McAdams  
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212 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
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Fax: 608-282-3661

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**From:** Rinehart, Mark W. [mailto:[RinehartMW@DOJ.STATE.WI.US](mailto:RinehartMW@DOJ.STATE.WI.US)]  
**Sent:** Thursday, January 17, 2008 1:58 PM

01/18/2008